

## **REMARKS**

This is a full and timely response to the Office Action mailed September 9, 2007. Applicants have amended claims 1, 5, 8, 11, 13, 15, and 17 as indicated above. Applicants have added new claims 21 – 23 and canceled claims 7, 12, and 14 without waiver, prejudice or disclaimer. Upon entry of the amendments in this response, claims 1 – 6, 8 – 11, 13, and 15 – 23 are pending. Applicants respectfully request that the application and all pending claims be reconsidered and allowed.

### **I. Rejection Under 35 U.S.C. 102(e)**

The Office Action rejects claims 1 – 5 and 7 – 10 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0187778 (“the 778 Publication”). Applicant respectfully submits that independent claim 1, as amended, is patentable over the ‘778 Publication for at least the reason that the reference fails to disclose, teach, or suggest all of the elements of the claim.

Independent claim 1 is directed to a system for managing a financial account comprising a data collection component, a decision engine, an account creation component, an account management component, a transactional processing component, and a data aggregation module. The account management component manages a plurality of existing financial accounts. The data collection component, the decision engine, and the account creation component enable new financial accounts to be qualified and created. The data aggregation module is coupled to and provides feedback to the account management component and the decision engine based on aggregated transaction data. Independent claim 1 recites that the data aggregation module aggregates data

associated with the financial transactions and provides feedback information to the decision engine and the account management component. The feedback information may be used to update or otherwise alter the manner in which the decision engine qualifies new customers and the account management component manages existing financial accounts.

The '778 Publication does not disclose, teach, or suggest a data aggregation module that aggregates transaction data and, based on the aggregated data, provides feedback information to the decision engine and the account management component. The '778 Publication discloses a web-based system for underwriting and creating new merchant accounts. The web-based system enables merchants to input and submit a merchant credit application to a server. The system also enables an underwriter or a credit investigator to access and review submitted applications and compare them against underwriting criteria specified by server. When the application is approved, a merchant account is established.

The '778 Publication does not disclose, teach, or suggest aggregating transaction data from the merchant accounts and providing feedback information to the underwriting process and the account management process. In fact, the '778 Publication does not disclose any feedback mechanism at all. The '778 Publication merely discloses the process of underwriting and creating the merchant accounts. The '778 Publication does disclose using the web-enabled system to follow-up with existing merchants, but this is merely for purposes of customer service interactions, such as generating welcome letters to new merchants. There is clearly not any monitoring of the transaction activity nor any aggregating of the transaction activity for any purpose, let alone for providing feedback

information for the purpose of qualifying new accounts or for managing existing accounts.

For at least this reason, Applicants respectfully submit that the rejection of independent claim 1 under 35 U.S.C. 102(e) is improper and should be withdrawn. Dependent claims 2 – 5 and 8 – 10 (which depend from independent claim 1) are also patentable over the ‘778 Publication for at least the reason that these claims include all of the elements of the corresponding base claim. Accordingly, Applicants respectfully request that the rejection of claims 1 – 5 and 8 – 10 be withdrawn and the claims allowed.

## II. Rejection Under 35 U.S.C. 103(a)

The Office Action rejects claims 6 and 11 – 20 under 35 U.S.C. 103 as allegedly being unpatentable over the ‘778 Publication in combination with various secondary references. The Office Action rejects claim 6 as allegedly being unpatentable over the ‘778 Publication in view of U.S. Patent Application Publication No. 20040078325 (“the ‘325 Publication”). The Office Action rejects claims 11 – 15 and 17 as allegedly being unpatentable over the ‘778 Publication in view of U.S. Patent Application Publication No. 20010034684 (“the ‘684 Publication”). The Office Action rejects claims 16 and 18 as allegedly being unpatentable over the ‘778 Publication in view of the ‘684 Publication and further in view of U.S. Patent No. 6,405,181 (“the ‘181 Patent”). The Office Action rejects claims 19 and 20 as allegedly being unpatentable over the ‘778 Publication in view of the ‘684 Publication and further in view of U.S. Patent Application Publication No. 20040078325 (“the ‘325 Publication”).

Applicants respectfully assert that, of these rejected claims, currently-pending claims 6, 11, 13 and 15 – 20 are patentable over the ‘778 Publication in view of the corresponding secondary references for at least the reason that the claims recite features or elements not disclosed, taught, or suggested by any of the references. Applicants do not concede that the Office Action has established a legally-sufficient case for combining the references. Nonetheless, to avoid delay in minimizing disputed issues, Applicants submit that the rejection is improper for at least the reason that the ‘778 Publication and the secondary reference(s) fail to disclose, teach, or suggest all of the claim elements.

Independent claim 1 (from which claim 6 depends) is directed to a system for managing a financial account. As detailed above, independent claim 1 is patentable over the ‘778 Publication for at least the reason that the reference fails to disclose, teach, or suggest the feature of a data aggregation module that aggregates data associated with the financial transactions and provides feedback information to the decision engine and the account management component. Applicants submit that neither the ‘325 Publication nor any other cited reference corrects this deficiency. Therefore, claim 6 (which depends from independent claim 1) is patentable for at least the reason that it includes all of the elements of the corresponding base claim. Accordingly, Applicants respectfully request that the rejection of claim 6 be withdrawn and the claim allowed.

Independent claim 11 is directed to a method for managing a financial account. The method comprises the steps of aggregating transaction data regarding a plurality of financial accounts and, based on the aggregated transaction data, modifying services available to a financial account and modifying underwriting criteria for new financial accounts. The ‘778 Publication does not disclose, teach, or suggest aggregating

transaction data and, based on the aggregated data, modifying existing or new accounts. As described above, the '778 Publication merely discloses a web-based system for underwriting and creating new merchant accounts. The '778 Publication does not disclose, teach, or suggest aggregating transaction data from the merchant accounts and providing feedback information to the underwriting process and the account management process. As explained above, the '778 Publication does not disclose any feedback mechanism at all to the underwriting process or the account creation process. The '778 Publication merely discloses the process of underwriting and creating the merchant accounts. The '778 Publication does disclose using the web-enabled system to follow-up with existing merchants, but this is merely for purposes of customer service interactions, such as generating welcome letters to new merchants. There is clearly not any monitoring of the transaction activity nor any aggregating of the transaction activity for any purpose, let alone for modifying services for existing accounts or modifying underwriting criteria for new accounts.

Applicants respectfully submit that none of the secondary references correct this deficiency. For at least this reason, Applicants respectfully submit that independent claim 11 is patentable over the cited references. Dependent claims 13 and 15 – 20 (which depend from independent claim 11) are also patentable for at least the reason that these claims include all of the elements of the corresponding base claim. Accordingly, Applicants respectfully request that the rejection of claims 11, 13 and 15 – 20 be withdrawn and the claims allowed.

## CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1 – 6, 8 – 11, 13, and 15 – 23 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (813) 382-9345.

Respectfully submitted,

/Adam E. Crall/

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## CERTIFICATE OF MAILING

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically submitted to the United States Patent & Trademark Office via the Electronic Filing System on the date indicated below.

Date: November 28 , 2007

/Adam E. Crall/

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Signature